



AMENDED MINUTES

**City of Scottsdale
JUDICIAL APPOINTMENTS ADVISORY BOARD
Regular Meeting
5:30 p.m., Thursday, November 19, 2009
Human Resources Pinnacle Training Room
7575 E. Main Street**

PRESENT: Gordon Griller, Chairperson
Judge Jean Hoag
Christopher Lonn (arrived at 5:50 p.m.)
Paul Rybarsyk
Francis Scanlon
Daniel Schmidt

ABSENT: Judge John Rea

STAFF: Judy Dewey
Jay Osborne
Valerie Wegner

PUBLIC: Hon. James Blake
Janet Cornell, Court Administrator
Hon. Orest Jejna
Blanca Lucht, Interpreter
Hon. Monte Morgan
Hon. Wendy Morton
Luis Santaella
Frank Ucho

CALL TO ORDER

Chairperson Griller called the meeting to order at 5:46 p.m.

ROLL CALL

A formal roll call confirmed the presence of Board Members as noted above.

**1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON
NOVEMBER 5, 2009**

Jay Osborn requested that his title be corrected from City Attorney to Senior Assistant City Attorney.

Additionally, he asked that the sentence, "Mr. Osborn explained the term was used very broadly in the presentation and not having to do with any particular decision," be changed to, "Mr. Osborn explained the term was from an Attorney General's opinion, and described a broad range of things including discussion, deliberation, and action."

JUDGE HOAG MOVED APPROVAL OF THE AMENDED MINUTES OF THE PUBLIC MEETING ON NOVEMBER 5, 2009. BOARD MEMBER SCANLON SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF FIVE (5) TO ZERO (0). JUDGE REA WAS ABSENT. BOARD MEMBER LONN ARRIVED LATER.

**2. DISCUSSION OF JUDICIAL SURVEY RESULTS ON ASSOCIATE CITY
JUDGE WENDY MORTON**

Board Member Lonn noted that the rate of participation was 14.2 percent, which is slightly higher than in the past. There is a marked lack of defendant participation.

Judge Morton's survey results indicated a .1 to .3 percent general improvement from the 2007 survey. Integrity and administrative skills were her strongest points, and the weakest judicial temperament. Cumulatively, her scores are below the norm.

The Board discussed trying to improve the participation rate, which has been an ongoing issue. Judge Hoag stated the attorney's surveys are mailed to them, whereas other parties have their surveys handed to them in the courtroom. Chair Griller asked staff to look into the matter. Board Member Rybarsyk stated the Rules of Professional Ethics for attorneys says lawyers have an ethical duty to promote appointment to the bench, and suggested they be reminded of that when they are sent their surveys. Board Member Lonn suggested the bailiff give jurors a survey form to return before they leave.

Board Member Lonn observed that Judge Morton's survey results displayed a miniscule improvement, and stated he believed there should be more of an improvement due to her time on the bench and the experience of going through this process once before. For the period of July 1, 2009 to September 30, 2009, 11 of 78 survey respondents rated Judge Morton as unsatisfactory in terms of judicial temperament.

Judge Hoag pointed out that in 2007 Judge Morton had 48 returned surveys, compared to 75 in 2009. Despite the broader base, the grades improved. As far as judicial temperament, less than a handful of participants are not giving her a rating in the superior range.

Board Member Lonn stated the public's opinion of a judge's temperament is important to the entire judicial system.

Judge Hoag noted that the majority of Judge Morton's scores in the integrity category are superior.

Chair Griller indicated he compared Judge Morton's ratings with the overall eight-year period (for all judges) focusing on the two low marks, unacceptable and poor performance. She had a 27 percent unacceptable or poor performance judicial temperament ranking from lawyers, and a 21 percent from staff. In the eight-year composite for all judges, unacceptable was 10 percent from lawyers and 6 percent from staff. He stated in his opinion that is a dramatic difference.

Board Member Scanlon expressed concern regarding the lack of responses, and whether a clear indication of performance can be obtained from the number of returns received.

Chair Griller said the amount of returns on this survey was above the norm; however, he would still like to see a marked improvement.

3. PREPARATION FOR PUBLIC HEARING

The Board had no questions regarding the public hearing process.

4. CONVENE PUBLIC HEARING AT 6:15 P.M.

Chair Griller convened the public hearing at 6:14 p.m., indicating this was an opportunity for the public to comment and give input regarding the reappointment of Associate City Judge Wendy Morton.

Chair Griller opened public comment.

Scottsdale City Court Security Officer Frank Ucho discussed his background in the judicial system, indicating Judge Morton's courtroom decorum and professionalism have been exemplary. He stated he believes Judge Morton is a credit to her profession, and an asset to the City and its citizens. He highly recommended that Judge Wendy Morton be retained as an associate judge.

In response to an inquiry by Board Member Rybarsyk, Mr. Ucho indicated he has served in Judge Morton's courtroom for 14 months maintaining the security of the courtroom.

Chief City Judge Monte Morgan stated he wholeheartedly recommended the reappointment of Judge Morton. She is an intelligent, affable, quality judge who is an important part of the team and who has been very involved in judicial conferences and the State Bar. He said he is proud of the development Judge Morton has made in the court.

Referencing a memo from Jim Riggs, Information Specialist, Judge Morgan noted the memo said the surveys were distributed to those who appeared before Judge Morgan, and expressed concern that the correct surveys were distributed. Ms. Wegner said she did follow up on the issue, and confirmed that the correct surveys were utilized and tabulated.

Board Member Rybarsyk asked if anyone has approached him with criticism of Judge Morton. Judge Morgan said he does not recall being required to listen to any audiotapes of Judge Morton's proceedings. He listens to every audiotape of any proceeding where

there is a question of judicial conduct. He added that Judge Morton is assigned a particularly difficult prosecutor, which she has handled very well.

In response to an inquiry by Board Member Scanlon, Judge Morgan stated he does not know how many of Judge Morton's decisions have been appealed and overturned. Chair Griller stated the Board has never looked at appeal rates before. Judge Morgan indicated he does not put much stock in appeal results. If judges are competent, courteous, and compassionate, they are doing their job.

Board Member Lonn stated reversals are going to happen; however, multiple reversals would be a cause for concern. Judge Morgan agreed that too many appeals and reversals would concern him, which is not the case here.

Court Administrator Janet Cornell gave a background of her experience with the City Court, indicating she supports Judge Wendy Morton's reappointment. Judge Morton is a very dedicated judge who takes the application of the law and State Statute very seriously. She participates fully in terms of training, including creating class materials for staff training. She is very involved in coursework, training, and seminars with the State Bar and various lawyers' associations. She is currently working on a safety plan document for litigants involved in orders of protection.

In response to an inquiry by Board Member Rybarsyk regarding court backlogs, Ms. Cornell indicated statistics do not break this information down by judge. Nothing has alerted her to any delay in the adjudication of cases in Judge Morton's courtroom.

Board Member Lonn asked if the City's court is still the busiest in the Valley. Ms. Cornell said it is the third largest court by number of charges filed through FY 07/08. She indicated she believes the City will probably drop to position four or five in FY 09/10 and be replaced by Tempe Municipal Court.

Board Member Lonn asked if the caseload is distributed relatively evenly between all of the associate judges. Ms. Cornell said in her view the workload is relatively even. A formula intended to parcel criminal cases out equally is used to assign misdemeanor criminal cases to each of the five criminal judges. During the last evaluation period Judge Morton had a couple of high-profile cases that took up more of the judge's time, as well as cases with larger numbers of witnesses, and quite a few jury trials.

In response to an inquiry by Chair Griller, Ms. Cornell discussed how the judges assist each other when needed, stating to her knowledge there are no problems in that regard.

Judge Hoag asked if the City keeps track of Notices of Change in Judge. Ms. Cornell said a code is entered on each case when there is a judge change; however, she does not presently have that information for the Board.

Judge Orest Jejna spoke in support of Judge Morton's reappointment. He discussed personal observations of interactions between City judges and how they work together, indicating it is a cohesive group for the community and litigants. Judge Morton is very intelligent and involved, and all in all she is a tremendous asset to the court and himself, as a colleague.

Board Member Lonn asked whether any staff members have approached him with concerns regarding Judge Morton. Judge Jejna stated no members of staff, attorneys, or the public have come to him with any problems.

Judge Hoag asked for clarification regarding the high-profile cases assigned to Judge Morton. Judge Jejna discussed some of the cases seen at the court, stating many times they involve high profile individuals or events seen in the news.

Attorney Luis Santaella, Scottsdale City Attorney's Office, stated Judge Morton has excellent leadership qualities, which translates to her work as a judge. He discussed her work on the State Bar Public Lawyers Section, and stated he supports her reappointment.

Board Member Scanlon asked if the Arizona State Bar requires any type of public service. Several individuals stated while it is encouraged, there is no mandatory requirement for attorneys or judges.

Judge James Blake discussed his professional history with Judge Morton, indicating she is an incredibly hard worker who cares about her cases. Everyone in her courtroom is treated fairly and given the opportunity to present their side. Judge Morton has been selected to co-chair the State Bar Convention Committee for the last two years, which is very unusual. In addition, she has been involved with the Judicial Commission for several years. She recently won an award from the Public Lawyers Section for judicial excellence, and was previously the chair of that committee. Judge Morton has been involved in organizing Moot Court for more than ten years. Judge Blake stated she is a credit to the community, the court, and the lawyer profession. He highly supports her reappointment.

Board Member Lonn asked how many hours Judge Morton spends on these activities over and above her judicial obligations for the City Court. Judge Blake stated she probably spends at least an hour a day, with some ten to twelve hour day activities on the weekends.

In response to an inquiry by Board Member Scanlon regarding Judge Morton's previous work history, Judge Blake explained she was an administrative law judge for several years; before that, she worked at the County Attorney's Office.

Blanca Lucht, Court Interpreter, discussed her professional background with the City. She stated Judge Morton is a wonderful judge who works very hard in the courtroom, as well as with other judicial extracurricular activities. As President of the Arizona Court Interpreters' Association, Ms. Lucht indicated she asked Judge Morton to speak at a workshop, and she made a very informative two-hour presentation on juvenile court issues. Ms. Lucht stated she supports Judge Morton's reappointment.

Board Member Rybarsyk asked if anyone Ms. Lucht has interpreted for expressed any negative feedback regarding Judge Morton, and Ms. Lucht indicated they had not.

Board Member Lonn asked Ms. Lucht to expound on her observations regarding Judge Morton's judicial demeanor in the courtroom. Ms. Lucht replied that Judge Morton treats everyone in the courtroom the same.

Chair Griller closed the public hearing at 7:00 p.m.

CLOSE PUBLIC HEARING

5. MOTION TO RECESS INTO EXECUTIVE SESSION

BOARD MEMBER SCHMIDT MOVED TO ADJOURN INTO EXECUTIVE SESSION. BOARD MEMBER SCANLON SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0). JUDGE REA WAS ABSENT.

RECONVENE PUBLIC MEETING FOLLOWING EXECUTIVE SESSION

6. DISCUSS QUESTIONS FOR INTERVIEW OF JUDGE MORTON

Chair Griller reconvened the public meeting at 8:30 p.m.

Chair Griller directed the Board to Tab 6, which lists suggested interview questions. He asked if anyone would like to make any additions to this list.

Board Member Schmidt suggested a question be added regarding Judge Morton's treatment of defendants and witnesses with special needs, including English as a second language.

Board Member Lonn said he would like to ask Judge Morton for details regarding her approach to jury selection, and how she handles a potential juror that may be questionable. He indicated he would also like to clarify how active she is in jury trials, and whether or not she gets too involved from the bench.

Judge Hoag asked if Judge Morton receives the file provided to the Board that is marked Confidential, and Ms. Wegner indicated she does not. Judge Hoag expressed concern regarding the issue, stating Superior Court judges are provided with that information. Chair Griller noted the Board has discussed this issue before, and the practice in the past has been not to mention specific comments. If a pattern is recognized, additional general questions can be asked.

Board Member Rybarsyk asked whether the Board could ask questions regarding the judicial complaint filed against her that she references in her application. The Board agreed that questions would be appropriate.

Chair Griller indicated he plans to ask questions regarding her perception of her temperament in court, since that seems to be the biggest issue. He stated he might also ask questions regarding high profile trials, and would probably reference the Jack LaSota issue.

Mr. Osborn clarified that the Board can also discuss the three written public comments that were received. Those comments should become a part of the record.

Chair Griller noted that there was one comment from Jack LaSota, one from the school system, and one from a juror.

7. INTERVIEW OF JUDGE MORTON

Chair Griller welcomed Judge Wendy Morton, and briefly discussed the interview process. He invited Judge Morton to make opening comments.

Judge Morton stated she loves her job, and has learned a lot over the past two years. She enjoys the challenge, and appreciates the opportunity to serve the citizens of Scottsdale. She aspires to the highest standards, and is always reaching toward that goal. She looks forward to hearing the Board's constructive suggestions.

Board Member Schmidt said as a citizen member of the Board, he has a particular interest in how individuals with special needs and those for whom English is a second language are treated in the City courts. He asked Judge Morton to explain her approach to both of those situations, and encouraged her to share pertinent examples.

With respect to non-English speaking court participants, Judge Morton explained the use of court interpreters, indicating interpreter cases have priority. All judges share those resources, utilizing them in the most efficient manner possible. Judges must be very patient and thorough in interpreter cases, making a special effort to ensure everybody understands what is happening.

Judge Morton discussed a recent jury trial where a juror was hearing impaired. A hearing assist device was provided to the juror, and every effort was made to make him comfortable and ensure he was able to hear and understand the proceedings. She indicated the juror expressed concern regarding wasting the court's time because of his disability, and she assured him he was important in the judicial process.

Board Member Schmidt asked whether Judge Morton has dealt with participants that are mentally impaired. Judge Morton replied Judge Olcavage handles most Rule 11 prescreen cases. In cases where an attorney asks for Rule 11 prescreens, she makes a record and identifies those cases to insure those issues are addressed.

Board Member Scanlon asked how Judge Morton handles pro per cases. She replied this occurs almost every day. Many times she is presented with a plea agreement that the defendant has already worked out with the prosecutor. In those cases, she makes sure they understand the agreement, and answers any questions they may have.

Judge Morton discussed an example of a pro se DUI case. Since the consequences are serious and the cases very complicated, she makes sure the litigant fully understands what it is happening and tries to steer them in the direction of getting counsel. She indicated she has yet to have a pro se DUI case go to trial.

In response to an inquiry by Board Member Scanlon regarding the types of cases that come before her, Judge Morton explained the only civil components to her calendar are orders of protection and injunctions against harassment. She does not handle any civil traffic matters.

Board Member Lonn asked Judge Morton to explain how she strikes a balance between the administration of her daily calendar and justice. She indicated the interest of justice demands that defendants have counsel, and that they get the discovery they need. The Court is under a Supreme Court mandate to complete cases within 180 days; however,

justice demands hearing cases in a thoughtful manner and occasionally a unique issue arises that requires more time.

Board Member Lonn asked how Judge Morton handles instances where she feels a juror might not be fair and impartial. Judge Morton explained the voir dire process in her courtroom. If she does not feel the issue has been addressed after questioning by the attorneys, she will ask follow-up questions; however, she indicated she tries not to interject herself in that process. If a juror indicates an inability or unwillingness to be fair at the end of the questioning process, she asks the lawyers if there is a motion for cause, which she will grant so the lawyers are not required to use a strike for that juror.

Board Member Lonn asked Judge Morton how active she is in arranging plea arrangements between the State and the defendants. Judge Morton clarified she is not involved in that process. If there is something unusual about a plea, she might ask them to make a record regarding the deviation from normal policy. She stated she has only rejected one plea agreement in two years; however, she does require proof of a factual basis.

In response to an inquiry by Board Member Lonn regarding her activity from the bench in a jury trial, Judge Morton explained she does not ask questions in front of the jury during a trial. If the jury asks a question, she will have a sidebar with the lawyers.

Judge Hoag asked how Judge Morton's staff, litigants, and lawyers would describe her social skills and demeanor. Judge Morton said she believes City Court staff would relay that she is always available for their questions and needs. She stated she is businesslike in the courtroom, clarifying that she is sociable but not socializing while on the bench.

She believes she has a good rapport with the lawyers who come into her courtroom. She does everything she can to accommodate them and their schedules, and tries to foster collegiality and professionalism. Judge Morton stated she believes they would say that working conditions are pleasant in her courtroom.

In response to an inquiry by Judge Hoag regarding City Court staffs' responsibilities, Judge Morton discussed some of those responsibilities including paperwork, calendaring, and jury trial duties.

Board Member Rybarsyk asked Judge Morton whether she believes she favors the prosecution since she previously worked for the County Attorney's Office. Judge Morton said she does not believe her decisions favor the prosecution. Cases must be judged on a case-by-case basis, and she rules based on the evidence alone.

Referencing the public comment letter from Mr. LaSota, Board Member Rybarsyk asked Judge Morton to expound on her ruling in his case. She stated she was surprised that the letter was so vitriolic coming from an attorney. The statute is much broader than he portrays it in his letter. "Street" is not only defined as a road that cars use, it is also defined as a greensward, a parkway, or place set aside for public use like a sidewalk. The case was an issue of statutory interpretation, and obviously Mr. LaSota disagrees with her statutory interpretation in this case.

Board Member Rybarsyk asked Judge Morton to discuss the complaint filed against her. Judge Morton explained that the complainant was on probation for failure to send her child to school. She entered into a plea agreement with the State whereby she agreed to attend parenting classes. The complainant was non-compliant with her probation and had multiple warrants. As long as the State is in agreement, the person is typically given an opportunity to come into compliance in a probation violation matter. The complainant appeared requesting to complete a different program from the original agreement. She was asked to discuss the issue with the Scottsdale Treatment Agency to ensure it meets all the necessary criteria, whereupon Judge Morton informed her she would approve the program. The complainant never followed up with the program, and when she appeared in court again on her probation violation matter Judge Morton called Scottsdale Treatment Agency in an attempt to assist. Ultimately, the complainant never went to the program or showed up for her next court date and a warrant was issued. Her complaint actually contested the underlying conviction, which Judge Morton had nothing to do with.

Board Member Rybarsyk asked whether Judge Morton has ever allowed a defendant to represent himself when facing jail time. She indicated that is their choice, and it happens quite often. A public defender is always appointed if they request and qualify for that service.

Judge Hoag asked Judge Morton to expound on her feelings regarding the personalized nature of Mr. LaSota's letter. Judge Morton said she was very surprised by the letter. There was no vitriol in the courtroom, and it seemed to be an average case.

Chair Griller discussed Judge Morton's interview two years ago, stating she indicated at that time that she was treated differently because she was young and a woman. Judge Morton said while she wished she could give a different answer than she did two years ago, she cannot. Chair Griller asked her to clarify, and she indicated staff, lawyers and litigants have treated her differently. Lawyers have physically charged the bench and refused to sit down, they have screamed to her, called her Ms. Morton instead of Judge Morton, and behaved in ways she has never seen in her male colleagues' courtrooms. She indicated she does not feel this treatment is isolated to her, as she has observed similarities in Judge Martinez' courtroom and talked to other judges about the phenomenon.

Chair Griller asked whether Judge Morton believes the situation affects her temperament. Judge Morton replied that it did not.

Chair Griller asked Judge Morton to expound on her experiences with high profile trials, and if she is comfortable handling these proceedings. Judge Morton said she is thoroughly comfortable with these cases, and stated she loves the legal challenges they present.

Referencing the previous discussion regarding Judge Morton leaving the bench due to a disrespectful attorney, Board Member Lonn asked why she did not have him removed from the courtroom. She indicated in that case, she felt leaving the bench was the best way to diffuse the situation. At that time, no members of the public were present, which would have called for a different response.

Board Member Lonn stated that attorney's conduct clearly violated the rules of ethics regarding decorum in the courtroom, and expressed concern that Judge Morton did not report the lawyer.

Chair Griller offered Judge Morton the opportunity to make a closing statement.

Judge Morton said she is proud of her last two years on the bench, and feels it has been a time full of accomplishment, learning, and growth. She stated she was very honored to receive the Public Lawyer Section Award for Judicial Excellence so early in her judicial career, and discussed her leadership role with the Arizona State Bar as well as her service to the community. The increased caseloads due to changes in the laws have been challenging, but she enjoys the challenges that presents. Judge Morton stated she takes every opportunity to learn and grow in her job, and if there was no room for improvement she would be ready to move on. When she was entrusted with this opportunity, the first thing she did when she took the bench was write the number 57 on a Post-It note and place it on her bench to remind her there were 56 other individuals who could have been chosen for the position. She believes she has lived up to the responsibility placed upon her, and looks forward to the opportunity to continue to do so.

Judge Morton provided Ms. Wegner with her home phone number in order to contact her with the Board's decision by the end of the evening.

8. MOTION TO RECESS INTO EXECUTIVE SESSION

Mr. Osborn informed the Board there is no need to recess into executive session unless it needs specific legal advice. Discussion concerning the reappointment should take place in the public meeting.

The Board did not recess into executive session.

9. DISCUSSION OF AND REAPPOINTMENT RECOMMENDATION REGARDING JUDGE MORTON

Chair Griller noted that Judge Morton said she perceived herself as fair, open-minded, and humble. He did not recall anyone describing her as humble in the surveys or interviews. She noted that her ultimate objective in this job is to learn, grow, and improve, which has not been borne out by the data received. He indicated that two years ago he was perplexed by the dichotomy in the way she was received. She was either very well like or disliked, and that seems to continue. He stated this was the most difficult reappointment process he has been through in the last six years.

Board Member Lonn recalled that Chair Griller abstained from the vote two years ago. Chair Griller indicated that he did, and explained he did not want to vote without consulting with the two judges on the Board who were absent at that time. After a motion to delay was denied, he decided to abstain from the vote.

Board Member Lonn stated he was leaning toward not voting for her reappointment two years ago; however, he wanted to give her the opportunity for growth. Her desire to be a good judge is obviously genuine, and is an important point to consider. He expressed concern regarding the lack of growth, and her ability to control her courtroom. In addition, while she views herself as compassionate, professional, and sociable, there is

strong conflicting evidence in that regard. Board Member Lonn said he is torn about how to handle this issue.

Board Member Schmidt stated there seems to be somewhat of a disconnect between her interview and the public comments and survey results. Her survey scores are adequate and within a reasonable range, and they have improved somewhat over two years ago. Public comments were uniformly positive, and her interview was above average. She did express a lot of enthusiasm about being a judge, which seems to be a big part of who she is. In looking at those items in sum, one could reach a conclusion to support her reappointment.

Board Member Scanlon expressed concern regarding Judge Morton leaving the bench during a proceeding, as well as her attitude that she is treated differently because she is a woman.

Board Member Rybarsyk said while there are some issues to consider, he believes she should be recommended for reappointment. He stated he could not put a lot of faith in the survey results due to the small return. The fact that other judges and staff appeared at tonight's meeting to support her weighs in her favor, and no complaints of substance have ever been filed against her. She seems to be doing a credible job on the bench, and nothing presented to the Board during this process should cause her to lose her position. She has been honored by the State Bar, which reflects well on the City and the Court.

Judge Hoag said she would be voting to reappoint Judge Morton. She discussed working as a female judge, and indicated she thought Judge Morton did a good job of talking about what she has been faced with. The fact that she is such a great liaison to the community is very impressive. The JPR is respectable, which only represents a snapshot of the whole picture. The fact that other judges came to support her reappointment show that they respect her and the job she is doing. There is clearly a polarization of the Bar in this situation, which is unfortunate.

The Board agreed that Judge Hoag would counsel with Judge Morton and let her know they want her to improve. Judge Hoag stated Judge Morton has introduced a gender overlay, which is a systemic problem that needs to be addressed.

Chair Griller asked that a verbatim transcript be prepared of pertinent segments of the proceeding for Judge Morton to review. It is important that she see how others perceive her.

BOARD MEMBER SCHMIDT MOVED TO RECOMMEND THE REAPPOINTMENT OF ASSOCIATE CITY JUDGE WENDY MORTON. JUDGE HOAG SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0). JUDGE REA WAS ABSENT.

10. CITY JUDGE REAPPOINTMENT TERM

Mr. Osborn explained that several years ago the Board determined it wanted to change the manner in which the City Judge and Associate City Judges were appointed. At that time, each was appointed initially for two-year terms, with reappointment terms of two years. JAAB indicated they favored a 2-2-4 system instead, and asked that it be

recommended for both the City Judge and Associate City Judges. The Associate City Judges' terms were changed because it only required a code amendment, which was passed by the City Council. The City Judge position requires a charter amendment of Article 11, Section 2, and thus must be approved by the voters. Historically, charter amendments have gone to voters in groups due to the costs involved.

In the last several months, a Charter Review Task Force has been formed, and Mr. Osborn informed the staff liaison about this outstanding issue. The Task Force has discussed an amendment to provide for a 2-2-4 system. They have been advised that the JAAB has recommended this change. The next meeting of the Charter Review Task Force is on November 30, 2009, whereupon they will consider the 2-2-4 system. All of their recommendations for amendments to the City Charter will be presented to the City Council in March of 2010, and the Council will then determine which ones they want to be presented to the voters. The actual public vote will take place at the election set for August 24, 2010.

BOARD MEMBER HOAG MOVED THAT STAFF DRAFT A LETTER FROM THE JUDICIAL APPOINTMENTS ADVISORY BOARD TO THE CHARTER REVIEW TASK FORCE, AND THE CITY COUNCIL, WHEN APPROPRIATE, RECOMMENDING THE CITY CHARTER BE AMENDED TO INCLUDE A 2-2-4 SYSTEM OF APPOINTMENT AND REAPPOINTMENT FOR THE CITY JUDGE POSITION. BOARD MEMBER SCANLON SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0).

11. FUTURE AGENDA ITEMS

Chair Griller asked that a future agenda include an item to discuss how to increase the judicial survey results. Ms. Wegner indicated it would be difficult to discuss this in advance of Judge Morgan's public hearing. Board Member Schmidt stated he believes the same methodology should be used for Judge Morgan this cycle, and any changes be made after his public hearing.

The Board agreed to place the item on the next agenda for discussion.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting of the Scottsdale Judicial Appointments Advisory Board adjourned at 10:23 p.m.

Respectfully submitted,
Valerie Wegner
HR Office Coordination Manager

Reviewed by,
Gordon Griller
JAAB Chairperson